

Practitioner's Docket No. U013501-7

09/857534  
06 JUN 2001

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

TRANSMITTAL LETTER  
TO THE UNITED STATES ELECTED OFFICE (EO/US)

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/GB99/03821

INTERNATIONAL APPLICATION NO.

16 NOVEMBER 1999

INTERNATIONAL FILING DATE

11 DECEMBER 1999

PRIORITY DATE CLAIMED

BODY SCANNING EQUIPMENT

TITLE OF INVENTION

1. ROBERT BRASH
2. TIMOTHY TANNER

APPLICANT(S)

Box PCT

Assistant Commissioner for Patents

Washington D.C. 20231

ATTENTION: EO/US

NOTE: The completion of those filing requirements that can be made at a time later than 30 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 C.F.R.

CERTIFICATION UNDER 37 C.F.R. 1.10\*  
(Express Mail label number is **mandatory**.)  
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date June 6, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EL728213305US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

IBIS CARRILLO

(type or print name of person mailing paper)

Signature of person mailing paper

**WARNING:**

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:**

Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US)—page 1 of 8) 13-18

#9

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO	
1210425	
FEE CODE	VALUE FORNISHED

CHAPTER II

09067534 004004

§1.491 which states: "An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

**WARNING:** Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C.F.R. §1.8.

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f).

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
  - a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
  - b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

09/857534

2.Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
[ ]*	TOTAL CLAIMS	9 - 20 =		x \$ 18.00 =	\$
	INDEPENDENT CLAIMS	3 - 3 =		x \$ 80.00 =	
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00				
BASIC FEE**	<p>[ ] U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO:</p> <p>[ ] and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) ..... \$100.00</p> <p>[ ] and the above requirements are not met (37 CFR 1.492(a)(1)) ..... \$690.00</p> <p>[x] U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO:</p> <p>[ ] has been paid (37 CFR 1.492(a)(2)) ..... \$710.00</p> <p>[ ] has not been paid (37 CFR 1.492(a)(3)) ..... \$1,000.00</p> <p>[x] where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)) ..... \$860.00</p>				
	Total of above Calculations				
	860.00				
SMALL ENTITY	Reduction by ½ for filing by small entity, if applicable. Statement may also be filed. (note 37 CFR 1.9, 1.27, 1.28)				
	-				
	Subtotal				
	860.00				
	Total National Fee				
	\$860.00				
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				
TOTAL	Total Fees enclosed				
	\$860.00				

\*See attached Preliminary Amendment Reducing the Number of Claims.

- i. ☒ A check in the amount of \$860.00 to cover the above fees is enclosed.  
 ii. ☐ Please charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
 A duplicate copy of this sheet is enclosed.

**\*\*WARNING:** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: \* \* \* (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).

**WARNING:** If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.

3. ☒ A copy of the International application as filed (35 U.S.C. 371(c)(2)):

**NOTE:** Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

- a. ☐ is transmitted herewith.  
 b. ☐ is not required, as the application was filed with the United States Receiving Office.  
 c. ☒ has been transmitted  
 i. ☒ by the International Bureau.  
 Date of mailing of the application (from form PCT/IB/308): \_\_\_\_\_.  
 ii. ☐ by applicant on \_\_\_\_\_  
 Date

4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)):

- a. ☐ is transmitted herewith.  
 b. ☒ is not required as the application was filed in English.  
 c. ☐ was previously transmitted by applicant on \_\_\_\_\_  
 Date  
 d. ☐ will follow.

- (Transmittal Letter to the United States Elected Office (EO/US)—page 5 of 8) 13-18

10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115
- a. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date
- b. ☐ is submitted herewith, and such oath or declaration
- i. ☐ is attached to the application.
- ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
- c. ☒ will follow.

Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☒ is transmitted herewith.
- b. ☐ has been transmitted by the International Bureau.  
Date of mailing (from form PCT/IB/308): \_\_\_\_\_.
- c. ☐ is not required, as the application was searched by the United States International Searching Authority.
- d. ☐ will be transmitted promptly upon request.
- e. ☐ has been submitted by applicant on \_\_\_\_\_.  
Date
12. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
- a. ☒ is transmitted herewith.  
Also transmitted herewith is/are:
- ☒ Form PTO-1449 (PTO/SB/08A and 08B).
- ☒ Copies of citations listed.
- b. ☐ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date
13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. ☒ Additional documents:
- a. ☐ Copy of request (PCT/RO/101)
  - b. ☒ International Publication No. WO 00/36370
    - i. ☒ Specification, claims and drawing
    - ii. ☐ Front page only
  - c. ☐ Preliminary amendment (37 C.F.R. § 1.121)
  - d. ☒ Other

FORM PCT/IPEA/416

15. ☒ The above checked items are being transmitted
- a. ☒ before 30 months from any claimed priority date.
  - b. ☐ after 30 months.
16. ☐ Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on \_\_\_\_\_, namely:

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425.

☒ 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)

**WARNING:** Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

☐ 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must

*only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.*

- ☒ 37 C.F.R. 1.17 (application processing fees)  
☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).  
☒ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

**NOTE:** *37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).

  
 SIGNATURE OF PRACTITIONER

WILLIAM R. EVANS

(type or print name of practitioner)

Reg. No.: 25,858

Tel. No.: (212) 708-1930

Customer No.: 00140

P.O. Address

c/o Ladas & Parry  
 26 West 61<sup>st</sup> Street  
 New York, N.Y. 10023

RECEIVED JUN 18 2001



09/857534

*patent application serial no.*

*Department of Commerce  
Patent and Trademark Office  
for record*

---

06/11/2001 MNGUYEN 00000123 09857534

01 FC:970

~~860.00 OP~~

Adjustment date: 10/04/2001 SNAJARRO

06/11/2001 MNGUYEN 00000123 09857534

01 FC:970

~~860.00 OP~~

10/04/2001 SNAJARRO 00000089 09857534

01 FC:971

430.00 OP

Repin. Ref: 10/04/2001 SNAJARRO 0014435500

DAH:120425 Name/Number:09857534

FC: 704

\$430.00 CR